

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARCELLO PEREZ,

Plaintiff,

v.

ARAMARK, et al.,

Defendants.

Case No. 1:23-cv-00581-EPG

ORDER DIRECTING CLERK OF COURT TO
(1) ASSIGN DISTRICT JUDGE AND (2)
PROVIDE NOTICE OF CHANGE OF
ADDRESS FORM

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT THIS ACTION BE
DISMISSED, WITHOUT PREJUDICE

OBJECTIONS, IF ANY, DUE WITHIN THIRTY
(30) DAYS

On April 14, 2023, Plaintiff Marcello Perez, proceeding *pro se*, filed this civil rights action under 42 U.S.C. § 1983. (ECF No. 1). Plaintiff has not filed anything since the complaint, including any request for leave to proceed *in forma pauperis* (IFP). Accordingly, on April 17, 2023, the Court ordered him to submit an IFP application or pay the filing fee within forty-five days. (ECF No. 3). The Court warned him that, “[f]ailure to comply with this order will result in dismissal of this action.” (*Id.* at 1).

The forty-five-day period has expired, and Plaintiff has failed to submit an IFP application, pay the filing fee, or otherwise respond to the Court’s order. The Court notes that, on April 27, 2023, its order was returned as undeliverable, which indicates that Plaintiff has failed to provide a current address as required by the Court’s informational order (ECF No. 2) and Local Rule 182(f).

1 Accordingly, IT IS ORDERED that the Clerk of Court is directed to (1) assign a District
2 Judge to this case and (2) mail a copy of this order along with a notice of change of address form
3 to Plaintiff's last address of record.

4 And IT IS RECOMMENDED that:

5 1. This action be dismissed, without prejudice, based on Plaintiff's failure to pay the
6 filing fee pursuant to 28 U.S.C. § 1914 or to file an application to proceed *in forma pauperis*
7 pursuant to 28 U.S.C. § 1915; and

8 2. The Clerk of Court be directed to close this case.

9 These findings and recommendations are submitted to the United States District Judge
10 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within thirty (30) days
11 after being served with these findings and recommendations, Plaintiff may file written objections
12 with the Court. Such a document should be captioned "Objections to Magistrate Judge's Findings
13 and Recommendations."

14 Plaintiff is advised that failure to file objections within the specified time may result in the
15 waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing
16 *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

17 IT IS SO ORDERED.

18 Dated: **June 6, 2023**

19 /s/ Eric P. Grogan
20 UNITED STATES MAGISTRATE JUDGE
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